

MAILED
JUL 26 2004
FBI

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

V.

**CRIMINAL ACTION
NO. 04-10237-NG**

RAMON DIAZ

**MOTION OF RAMON DIAZ FOR RECONSIDER THE ORDER TO THAT HE BE
DETAINED PENDING TRIAL, WITH GROUNDS**

OVERVIEW

On July 21, 2004, after a hearing, Magistrate Judge Charles B. Swartwood III ordered that Mr. Diaz be detained by the United States Marshals until trial.

At the hearing Mr. Matos was represented by privately retained counsel who was subsequently suspended from the practice of law by the Massachusetts Board of Bar Overseers.

Undersigned counsel was appointed under the Criminal Justice Act and was not present during the detention/probable cause hearing that was conducted in July of 2004.

Judge Swartwood in his order found by clear and convincing evidence that Mr. Diaz, if released, would present a danger to the community. That finding appears to be based on the nature of the charges pending against Mr. Diaz, the

weight of the evidence against him and the prison sentence Mr. Diaz served in early 2000 on similar charges.

He also found by a preponderance of the evidence that Mr. Diaz posed a risk of flight. That finding appears to be predicated on the length of the sentence that Mr. Diaz would face if convicted and the fact that Mr. Diaz is originally from the Commonwealth of Puerto Rico.

DANGEROUSNESS

At the time of the hearing Mr. Diaz had served a four to five year sentence with the Massachusetts Department of Corrections for drug and firearm offenses. He was released in 2003 and has no record of arrests save for the case at bar and the case that resulted in the state prison sentence.

In pleading not guilty to the charges before this court, Mr. Diaz has denied that he possessed, constructively or physically, the contraband found secreted in the automobile he was driving on February 26, 2004.

It has subsequently been developed, during hearings on Mr. Matos' appeal of the decision to order his detention, that Mr. Matos was in the business of buying and renovating automobiles and that the automobile in which Mr. Diaz was arrested had been entrusted to Mr. Matos by its rightful owner.

Mr. Diaz presence in that automobile, absent more, should not create probable cause for the offenses of which he is charged.

Attached to this motion are character references from eleven members of the greater New Bedford community. The authors run the gamut from members of Mr. Diaz' family to the manager of a local bank and a member of the clergy.

They all testify to Mr. Diaz' character and uniformly state that he is not a danger to the community.

RISK OF FLIGHT

After his arrest, Mr. Diaz was held on \$25,000 cash bail for more than three months. His friends and family were not able to raise that money until June 1, 2004. He received notice that there was a warrant for his arrest in this Court on June 28, 2004. He voluntarily appeared in this Court, despite his lack of familiarity with the city of Boston. He had ample opportunity to flee the jurisdiction if that were his bent.

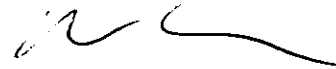
The docket entries from Bristol County Superior Court indicate that Mr. Diaz punctually complied with all the conditions of his release through the date of his guilty plea in May of 2000 on the earlier case that resulted in his prior imprisonment.

Mr. Diaz is an American citizen by birthright. There is no indication that he has ties to any other country nor has he ever traveled outside the United States of America. That he was born in Puerto Rico makes it no more likely that he will flee to the Dominican Republic than the fact that a person born in Vermont will flee to Canada.

He has significant ties to Southeastern Massachusetts. His elderly mother, his two sisters and a brother all live in New Bedford, as does his common law wife. His family members are willing to place as surety the title to two homes in which they reside.

Mr. Diaz is willing to submit to any conditions the Court may impose on his release, including electronic monitoring, random urinalysis and home detention.

Respectfully submitted,
Ramon Diaz
By his counsel



Raymond A. O'Hara
MA. BAR #546366
1 Exchange Place
Worcester, MA 01608
508 831-7551

**LUIS F. ARREDONDO
305 DEVE STREET
NEW BEDFORD, MA 02746
(508) 997-1480 (home)
(508) 802-7409 (cell)**

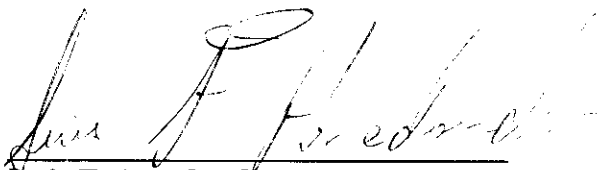
February 7, 2005

To Whom It May Concern:

I, Luis F. Arredondo, live in the New Bedford area. I have known Ramon Diaz for approximately two years. During the time I have known him, I can say he's a very good person, he's a hard worker, and his girlfriend is the same way.

Mr. Diaz and Ms. Cordova live in one of my apartments. This apartment is located at 38 Ashley Street, New Bedford. I can say these people are the best tenants I have in my apartments. Mr. Ramon Diaz, in the winter, is the only tenant to clean up the parking lot by himself. Also, during the time I've known him, he has always been involved in projects such as fixing houses, etc. Many times I have found him with owners of some houses in the Home Depot store buying the material for his work.

Sometimes I ask him questions about construction, and he gives me good tips on how to do things. People like Mr. Ramon Diaz are the people we need in our community. If you have any questions, you can contact me at the above address or phone number(s).


Luis F. Arredondo

Valentin Cruz
105 Patomska St.
New Bedford, MA 02740
(774) 526-7459 (cell)
(774) 202-2563 (home)

March, 2005

To whom it may concern:

I, Valentin Cruz, am the pastor, of the Pentecostal Church in New Bedford, Mass. I have known Mr. Ramon Diaz for a few years. I can testify that Mr. Diaz is an honorable man, a serious man, and very loved by our community. Mr. Diaz is a very trustworthy person. Mr. Diaz's parents are very religious, and very devoted to the church. I personally visit his parents regularly. The reason being is that they are advanced in age. Sometimes I provide them the transportation to take them around the community, such as taking them to the grocery store and to the pharmacist. For that reason, and other reasons, they rely on Mr. Diaz for their daily needs. Practically, Mr. Diaz is the person responsible that cares for his parents, and that's why they need him to be home. Being that his parents have different needs, they rely on Mr. Diaz to help them for these very needs.

If you have any questions, please feel free to notify us at the above phone number.

Sincerely,


Valentin Cruz

December 22, 2004

To Whom It May Concern:

I have known Ramon Diaz for the past three years and consider him to be a part of my family. As a manager of a local bank who deals with the public on a daily basis, I feel I am a good judge of character. That being said, I think that Mr. Diaz is a good person who poses no threat to the community.

If you have any questions or concerns, please feel free to contact me at (508) 971-0602. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Heather N. Crosby". The signature is written in a cursive style with a large, stylized 'H' and 'C'.

Heather N. Crosby

Michael J. Pina
62 Deane St.
New Bedford, MA


March 11, 2005

To whom it may concern:

I have known Ramon Diaz for the past five years and consider him a part of the family. Mr. Diaz is a kind hearted, hard working and caring man whom is considered a grandfather by my two young boys. As a former U.S. Marine and teacher's aid, I believe I am a very good judge of character. With that being said, I feel that Ramon Diaz is definitely no threat to our community. In fact, our community can use more men like Ramon Diaz.

If any questions or concerns, please contact me at (508) 991-7719.

Sincerely,


Michael J. Pina

Vitalina y Ramon Casado
240 Palmer St.
New Bedford, MA 02740
Tel: (508) 984-5504 (Business)
(508) 992-6898 (Home)

March, 2005

To whom it may concern:

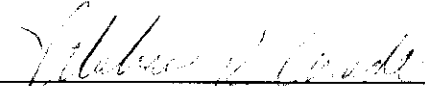
My wife and I have been married and residents of 240 Palmer Street, New Bedford, MA. We have known Mr. Ramon Diaz approximately since August 2, 2003. On that date, he started working doing home improvements on property located at 236 Purchase Street, New Bedford. On this property he constructed the complete remodeling on the first floor (the bathroom). That's where I used to reside at that time.

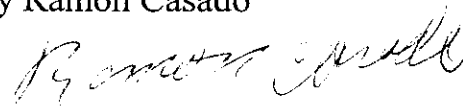
I have my own business, which is located at 1113 Acushnet Ave., New Bedford, MA 02746. This time that he worked on my home, he worked under his own supervision, since my husband and I worked outside the home. We can assure you that Mr. Diaz is a very responsible person, and above all, very respectful. For this reason, we hired him for the second time, so he could improve other property that we bought, where we reside right now. We are very appreciative and very satisfied the way he works. A person like Mr. Diaz, being whatever the circumstances if he may have committed an error, like anybody can commit one.

I hope he has the opportunity to return to the community again. Working persons like Mr. Diaz, this is what we need in our community. We can assure you he's a man with a big spirit concerning work ethics.

With regard to questions on Mr. Diaz, feel free to contact me at the telephone numbers listed above.

Sincerely,



Vitalina y Ramon Casado


March, 2005

Juan Liranzo
188 Palmer St.
New Bedford, MA 02740
(508) 997-8533

To whom it may concern:

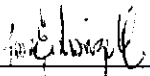
My name is Juan Liranzo. My residence is 188 Palmer St., New Bedford, MA. The present letter is that we came to know about Mr. Diaz through my sister-in-law, in which he worked on her homes at the address on Purchase Street and Palmer Street. During the time that we have known Mr. Diaz, we can say he's a very responsible person, and very respectful, and above all, very friendly and very hard-working. Mr. Diaz has done some work on another property we have at 43 Sycamore St., New Bedford. By the quality of the knowledge that he has, we hired him again so he could finish the basement, which is located at 188 Palmer St., New Bedford.

This one was started June 20, 2004, which he couldn't finish because he turned himself over to the authorities so he could face some pending charges against him. Mr. Diaz responsibly returned the money that was already paid him because he did not finish the job.

With this letter, I will include the contract of the work which he was supposed to do at my residence if he would not have been rearrested.

If you have any questions about Mr. Diaz, please feel free to call us.

Sincerely,



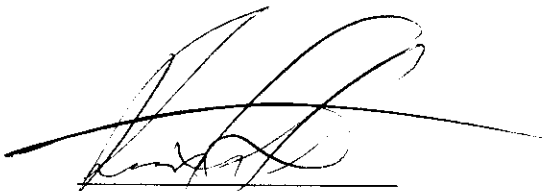
Juan Liranzo

June 20, 2004
New Bedford, MA

This is a contract pertaining to the works to be done by Ramon Diaz (constructor) hired by Juan Liranzo (contractor) for the finishing of the basement on 188 Palmer St. The following are requirements within the work to be done on the project:

- 5' basewall heaters
- Frames for floor, plywood, and finishing
- Drop ceiling
- Any relocation of electrical wiring necessary
- Any new installation of electrical wiring necessary
- Any relocation of plumbing necessary
- Framing and insulation of walls
- Painted sheetrock installation
- Carpentry finishing
- Relocation fo various support posts
- Placement of bar stand in basement
- Removing established structure
- Installation of bathroom-tub, toilet, and sink
- Clearing and disposing of all trash from project area

This project will cost US\$10,800.00, half of which will be paid before the project is begun, the other half paid when the project is completed. This price does not include the cost of any supplies for construction.



Constructor



Contractor

Jesus Mendoza
177 Shawmut Ave.
New Bedford, MA 02740
508-997-1245

12/20/04

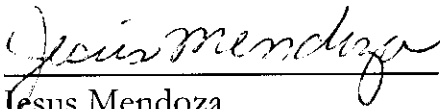
To Whom It May Concern:

I, Jesus Mendoza, have known Ramon L. Diaz for the last 20 years and he is not an aggressive person, he is a very helpful person when he is around and when something has to be done, he is always there with his knowledge to help.

Ramon L. Diaz has worked for me on some arrangement done at my house located at 177 Shawmut Ave., New Bedford, MA.

This arrangement was a completion of a room that had to be turned into a bedroom, fix a plumbing problem, install a new wood floor and put in a ceiling. All that was done between the months of September – November, 2003. At the same time he was taking my grandkids to school.

Thanks.


Jesus Mendoza

March, 2005

To whom it may concern:

I, Aira Santos, have known Ramon L. Diaz for the past 5 years. Ramon has been a part of me and my family for a long time and is a very responsible man. He is not a danger to society as people would say. Ramon is my second Dad and I know as a mother of 2 he is a very good person at heart and definitely as a person. Any questions or comments please feel free to contact me. 508-965-2392, or 508-997-7161.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Aira Santos', is written over a horizontal line.

Aira Santos
319 Shaw St.
New Bedford, MA

Maribel Hernandez
313 Austin St.
New Bedford, MA 02740
Tel (508) 993-8780

March, 2005

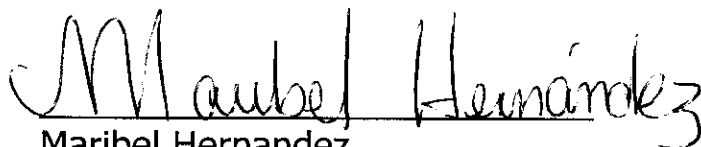
To whom it may concern:

My name is Maribel Hernandez. I reside in the area of New Bedford. I have known Mr. Diaz for approximately 18 years. I have known since him our homeland of Puerto Rico. I can sincerely say he is a very responsible individual and has all the qualities of a good person. He is a very responsible person when it comes to construction, and he is a very reliable, one of the best qualities he has.

I hired Mr. Diaz around June 8, 2004 so he could start working on some jobs around my residence, which is located at 113 Austin Street, New Bedford. Before that, he has worked on the attic of my residency. Persons like Mr. Diaz, in the spirit of his willingness to work, is what we need around our community. Whatever information or questions you have, please contact me at the above telephone number.

Thank you.

Sincerely,


Maribel Hernandez

March, 2005

Antonio Diaz
313 Austin St.
New Bedford, MA 02740
Tel (508) 994-8780 (home)

To whom it may concern:

I, Antonio Diaz, resident of the New Bedford area, would like you to know that Mr. Ramon Diaz is my older brother. I can say that since he's been in the United States in 1994, he has always been involved in projects to remodel residences and houses. Like his younger brother, I can assure you that he's a very calm person and a hard-working man. When he got to Massachusetts, he started working with Mr. Robert Xesfara at 5 Dover Street in downtown New Bedford. When I got to the state, he gave me protection so I could work with the same person as he did.

In 2004, in November, he started working in the basement property located at 342 Hathaway Blvd. At this property, I constructed two bedrooms, the laundry room, and one utility room. This work took him two months to do. If you have any questions about Mr. Diaz, you can contact me at the above address.

Sincerely,


Antonio Diaz